IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1917 OF 2006
IN
SUIT NO.1698 OF 2006

Amrik Singh S/o. S. Jarnail Singh ...Plaintiff.
V/s.
M/s. Ashok Leyland Finance Ltd. ...Defendants.

Mr.R.R.Sharma for the Plaintiff.
Ms.Shakuntala Joshi for the Defendants.

CORAM: S.J.VAZIFDAR, J.
DATED: 3RD OCTOBER, 2006.

P.C.:

1. By this notice of motion, the plaintiff seeks an order restraining the defendants from taking possession of the suit vehicle without following due process of law and for an order directing defendants to return the registration certificate of the suit vehicle. The plaintiff has also sought an order directing defendants to accept loan instalments on reduced rate of Rs.12,000/-.

2. By a separate order passed today in Notice of Motion No.2150 of 2006, I have stayed the suit. Infact, nothing remains to be decided in the suit in view of the arbitration clause and in view of the judgment of the Supreme Court in **Hindustan Petroleum Corpn. Ltd. v.**

Pinkcity Midway Petroleums (2003) 6 SCC 503.

3. Ms. Joshi further states that the defendants will not take forcible possession of the suit vehicle but will make an application under the Arbitration and Conciliation Act, 1996 for the same as the suit has been referred to arbitration. The plaintiff is also at liberty to make appropriate application for the reliefs in terms of prayer clauses (b) and (c) of the Notice of Motion.

4. The Notice of Motion is accordingly disposed of.